

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA for the Use and :
Benefit of THE PHASE ONE GROUP, INC. :

Plaintiff, :

-against- :

PT&L HIGHWAY AND HEAVY, L.L.C., :
TRAVELERS CASUALTY AND SURETY :
COMPANY OF AMERICA AND FIREMAN'S :
FUND INSURANCE COMPANY, :

Defendants. :
-----X

ORDER

05-CV-0844 (DLI)(SMG)

DORA L. IRIZARRY, U.S. District Judge:

It appearing that no objections have been filed to the Report and Recommendation of the Honorable Steven M. Gold, U.S.M.J., dated January 5, 2006; and

Upon consideration, the Report and Recommendation is hereby adopted in full. Accordingly, it is hereby

ORDERED that PT&L HIGHWAY AND HEAVY, L.L.C.'s ("PT&L") motion to amend its answer is GRANTED with respect to the proposed claims for "book account" and "labor and materials supplied," and DENIED with respect to the proposed claims for "break of contract – failure to pass through delay damages" and "wrongful termination – default." See Proposed Amended Pleading, Cross-Claims at ¶¶17-34. It is further hereby

ORDERED that service of a copy of this Order shall be made by the Clerk of this Court by forwarding a copy hereof to all parties.

DATED: Brooklyn, New York
February 9, 2006

/s/

DORA L. IRIZARRY
United States District Judge